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January 14, 1999

Dr. H. Clayton Foushee
Vice President-Regulatory Affairs
Northwest Airlines
901 15th Street, NW, Suite 310
Washington, DC 20005

Re: *ARAC Flight Crew Reserve Time Working Group:
HAI Proposal for a Rule Applicable to Part 135 On-Demand Air Charter*

Dear Clay:

On August 5, 1998, FAA invited Helicopter Association International (HAI) to serve on a working group of the Aviation Rulemaking Advisory Committee (ARAC) to consider flight crew reserve time requirements. HAI herewith tenders its proposal for the structure and content of a Flight Crew Reserve Time regulation applicable to on-demand air charter operations conducted under 14 CFR Part 135.

HAI's proposal reflects many hours of thought, discussion and negotiation focused on optimizing flight safety, flight crew lifestyle concerns and operational flexibility in the context of the unique demands of Part 135 air charter operations. As you know, HAI fully supports the proposal for scheduled domestic operations conducted under 14 CFR Part 121 described elsewhere in your report. HAI believes that proposal is an appropriate balancing of concerns in Part 121 domestic scheduled air carrier operations. However, HAI also believes that the proposed Part 121 solution will not work in the Part 135 context, in particular because the advance notice provisions of the Part 121 proposal are inconsistent with the on-demand nature of part 135 air charter operations.

HAI also supports the substance of the "Special Provisions for Air Ambulance Operations" proposed by the National Air Transportation Association (NATA) and National Business Aviation Association (NBAA). However, we believe that the approach outlined there is appropriate for all part 135 on-demand air charter operations.

Finally, HAI thanks you and Dr. Don Hudson for your very capable, even-handed, and very patient leadership of the Working Group. Your efforts as co-chairs have been greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Resavage", written over a horizontal line.

Roy Resavage
President

ARAC Flight Crew Reserve Time Working Group
HAI Proposal for a Rule Applicable to Part 135 On-Demand Air Charter

HAI proposes a rule on Part 135 Flight Crew Reserve Time structured in three parts:

1. **Scheduled Reserve**

Under 14 CFR part 135, an on-demand air charter operator may assign a pilot to "scheduled reserve."

- No period of scheduled reserve may exceed 14 hours in any 24 hour period.
- Each period of scheduled reserve must be preceded by a "protected time period" of at least 10 consecutive hours in length.
- No combination of "scheduled reserve" and assigned duty may exceed 20 consecutive hours.
- Under "scheduled reserve," the pilot's duty period begins when the pilot receives a call from the operator to report for work.

2. **Extended Reserve**

An operator may assign a qualifying pilot to a period of "extended reserve." Under extended reserve, a pilot may be assigned to hold herself:

- Able to be contacted by the operator;
- Remain fit to fly (to the extent that this is within the control of the pilot); and
- Remain within a reasonable response time of the aircraft,

all without triggering the start of any period of "duty" under the Part 135 flight crew duty time regulations.

a. Duty under Extended Reserve

- Under "extended reserve," the pilot's duty period begins when the pilot receives a call from the operator to report for work.
- When a pilot completes a period of duty under extended reserve, that pilot shall enter a protected time period of at least 10 consecutive hours before next being available for contact by the operator.

b. Limitation on Extended Reserve

- Assignment to extended reserve may not exceed 15 consecutive days.
- If assignment to extended reserve is for a period of not more than six consecutive days, the flight crew member shall enter a protected time period of at least 24 consecutive hours before next being available for contact by the operator.
- If assignment to extended reserve is for a period of more than six consecutive days, one additional period of 24 consecutive hours shall be added to the protected time period for each 3 days, or any portion of three days, of extended reserve assignment over six days.

3. **Operational Delay**

- The limitations stated in paragraphs 1 and 2 above may be extended by a maximum of 2 hours to meet operational delays.
- The limitations stated in paragraphs 1 and 2 above may be extended by air medical service operators as reasonable and necessary to complete a medical transport operation.